

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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BASKIN-ROBBINS FRANCHISING LLC, et al.,

Plaintiffs/Counter-Defendants,

v.

Case No. 08-15322

N & J's, INC., et al.,

Defendants/Counter-Plaintiffs.

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**ORDER GRANTING PLAINTIFFS/COUNTER-DEFENDANTS' "MOTION TO QUASH  
DEFENDANTS' NOTICE OF TAKING RECORDS DEPOSITION OF JOHN FOGUTH"**

On December 21, 2009, Defendants/Counter-Plaintiffs N & J's, Inc. and Nadica Milosevski-Edwards ("Defendants") provided Plaintiffs/Counter-Defendants Baskin-Robbins Franchising LLC and BR IP Holder LLC ("Plaintiffs") with notice that Defendants were going to take the records deposition of non-party John Foguth on January 5, 2010. Plaintiffs filed a "Motion to Quash Defendants' Notice of Taking Records Deposition of John Foguth" on December 30, 2009. A telephone conference was held regarding this motion on January 4, 2010. For the reasons stated on the record,

IT IS ORDERED that the "Motion to Quash Defendants' Notice of Taking Records Deposition of John Foguth" [Dkt. # 46] is GRANTED. The notice of taking

records deposition is quashed without prejudice. After resolution of the pending motions for summary judgment, Defendants are free to renew their demand for certain records from John Foguth, if necessary and after consultation with Plaintiffs.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: January 5, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, January 5, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522